

From: timoth
To: Microsoft ATR
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Subject: Inadequate Settlement

This settlement is completely against the public interest. It does not address the key problems with the Microsoft monopoly. When a company that has 90% of the market can use layers in combination with relatively unlimited money and as see by this settlement doesn't have to answer to anyone including the government we, the average american citizen pay dearly.

In other industries when you buy a product that is shipped defective, you can return it. Then go somewhere else to buy an alternative product. This form of capitalism keeps the industry in line. Every version of Windows I have owned has crashed, damaged my files, caused me to lose many hours of work. Every version of Windows I have used has been defective. In fact I know of no single person who hasn't lost many hours of work because of defects in Windows.

If you are to run Windows you have to agree to the End User License Agreement, which rids you of any legal rights to seek compensation for damages caused by Microsoft products.

That in itself wouldn't be a problem if there were competing products to choose from, because any business that acted in this way would be washed out of the industry because people wouldn't stand for it and would buy competing products. For example say you bought a refrigerator that randomly turned off (crashed) and spoiled your food, and one that you had to agree to a legal agreement that said that you have no rights to go after the manufacture of the refrigerator to simply turn the refrigerator on. You wouldn't stand for that. You would never buy anything from that manufacturer ever again.

Now imagine that there was only one manufacturer of refrigerators that had inside monopoly deals with all the appliance stores (where can you find a PC computer that you can buy from a store that doesn't have windows). Or better yet, monopoly deals with the manufactures that build the outlets for electrical plugs, so there was a special plug that was pre-installed in all new homes that would only work with this one manufactures refrigerators. Would those people even know that they should have a right to a refrigerator that actually works correctly if there has never been a competitor in the industry. The status quo would be the wool over the eyes of the common everyday person.

As one who works in the computer industry it is as clear as day to me. And I pay for this problem every day. Here are some more examples,

1.) Say you have an idea for a new product. Like the web-browser was or say like video compression tools are now. Then you produce that product. You find that you cannot sell it. And the reason is simply that Microsoft will copy the idea then bundle it with Windows and sell it for free in combination with raising the costs of the operating system which you have no choice to buy. New examples of new products bundled with XP,

- a.) Movie maker (movie editing, capturing, compression, etc).
- b.) Media Player (playback of compressed media, watch and listen to online radio and tv, play dvds, etc).
- c.) Windows Messenger (online communication).
- d.) Digital photography tools.
- e.) Msn (aol clone).
- f.) and more

How are you supposed to produce a competitive product when Microsoft takes any idea that becomes profitable by someone else and then uses monopoly power to bundle it and sell it way under cost (in many cases for free).

2.) Look what is happening with the Xbox. They are selling it way under cost just to try and take over another industry. First they take advantage of Sega when Sega is hurting making a deal with Sega to use WinCE in the Dreamcast. Then Microsoft copies the hardware work that Sega put into the Dreamcast and uses the software knowledge gained in that previous deal to produce a clone product called the Xbox. Then Microsoft uses its deals with the PC game industry to get a lot of developers writing games for the Xbox. And finally they use huge amounts of monopoly money to sell the thing under cost. They have already pushed Sega out of the industry, soon they will do whatever they can to push out Sony and Nintendo.

In all they progress completely unchecked by any method. There is no innovation going on at Microsoft other than to take advantage of monopoly power.

RESTORE CAPITALISM AND COMPETITION IN THE PC COMPUTER INDUSTRY AND BREAK UP THIS MONOPOLY NOW! OR WE WILL ALL CONTINUE TO PAY, PERHAPS WITH MOST OF THE POPULATION UNKNOWING.

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